

EXAMPLE OF "NOTICE OF VIOLATION" LETTER

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Date, 2000

Name
Address
City, MT Zip Code

Re: Violation Letter For **EID# *****, **CVID# ******, **DATE**, **SITE NAME**, **CITY**, Montana

Dear **INDIVIDUAL OR COMPANY NAME**:

The Montana Department of Environmental Quality (DEQ) Enforcement Division was notified **DATE** of the **SITE NAME** and the subsequent release of **QUANTITY AND TYPE OF CONTAMINANT**. The site was referred to me at the DEQ Remediation Division on **DATE**.

It is a violation of the Montana Water Quality Act (MWQA) to cause pollution of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters. Section 75-5-605(1)(a), MCA. The release of **CONTAMINANT TYPE** constitutes a violation of the MWQA. Because **INDIVIDUAL OR COMPANY NAME** is the owner of the **TYPE OF CONVEYANCE/ FACILITY**, DEQ hereby issues to **INDIVIDUAL OR COMPANY NAME** a violation letter pursuant to Section 75-10-617(1)(a), MCA.

LIST DEQ REQUIREMENTS (e.g. as follows)

In addition to these emergency actions, at this time DEQ requires that **INDIVIDUAL OR COMPANY NAME** take the following actions:

1. Conduct visual inspections of **CREEK NAME** to determine if **CONTAMINANT TYPE** has migrated to the creek bed;
2. Collect surface water samples from **CREEK NAME** if the **CONTAMINANT TYPE** has migrated to the creek and have the water samples analyzed for **CONTAMINANT TYPE AND METHOD (e.g. volatile petroleum hydrocarbons (VPH) according to Montana Tier 1 Risk Based Corrective Action Guidance)**;
3. Determine the vertical and lateral extent of **CONTAMINANT TYPE** contaminated soil;
4. Analyze soil samples for **CONTAMINANT TYPE AND METHOD** ;
5. Determine if an expanded **REMEDATION TYPE** system should be installed to adequately address the entire site;
6. Properly manage all excavated contaminated soil. **FOR PETROLEUM AS FOLLOWS** If the volume of petroleum contaminated soil from the spill is greater than 1600 cubic yards the soil must be transported to, and managed at, an existing licensed landfarm. If the volume of petroleum contaminated soil is less than 1600 cubic yards it may be managed at a one-time landfarm registered

with the DEQ Waste Management Section. The petroleum-contaminated soil may also be disposed of at a licensed Class II Landfill. Please see the enclosed "Guidelines For Registered Landfarming of Hydrocarbon Contaminated Soils". If you have any questions please contact Mike DaSilva, of the DEQ Permitting and Compliance Division, Waste Management Section at (406) 444-9879.

7. Determine the vertical and lateral extent of the contaminated groundwater plume by installing **(STATE # OF WELLS IF KNOWN)** monitoring wells;
8. Collect groundwater samples and have them analyzed for **CONTAMINANT TYPE AND METHOD**;
9. Determine groundwater flow direction and gradient;
10. Develop a groundwater flow and plume map;
11. Conduct a survey of potential receptors within one-half mile downgradient from the site and collect water samples, if appropriate, from these receptor points; and
12. Submit a report to DEQ that contains a description of the release, the initial remedial actions conducted at the site, all initial analytical results, the groundwater flow map, the groundwater plume map, location of any nearby receptors, and any recommendations for future remedial actions.

INDIVIDUAL OR COMPANY NAME must send written notification to DEQ within two weeks of receipt of this certified letter stating its commitment to conduct the actions outlined in items 1 through **. A work plan and tentative schedule of implementation that addresses items 1 through ** and any future remedial actions at the site must accompany the letter of commitment.

If **INDIVIDUAL OR COMPANY NAME** fails to comply with the requirements of this violation letter, DEQ is required by Section 75-5-617(2), MCA, to issue an administrative order or commence a civil action requiring compliance, either of which may include the assessment of penalties of up to \$25,000.00 per day of violation. In addition, a civil action may result in the assessment of DEQ's costs.

Please contact me at (406) 444-5343, if you have any questions concerning the requirements of this letter.

Sincerely,

PROJECT OFFICER'S NAME

PROJECT OFFICER'S TITLE

Remediation Division

PROJECT OFFICER'S INITIALS (e.g. CD/cvd)

cc: **CONSULTING FIRM NAME & ADDRESS**

Mike DaSilva, DEQ Permitting & Compliance Division, Waste Management Section

REMEDIATION DIVISION ATTORNEY, DEQ Legal Unit

Dan Kenney, DEQ Enforcement Division

FILENAME PATHWAY (e.g. g:/Hwc/Srs/Wqa/**SITE NAME**/Correspondence/**FILENAME**)